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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

In re: SENIK BABAKHANIAN

Debtor.

BK NO. 1:2021-bk-11500 MT

ADV NO. 1:21-ap-01074-MT

FIRST DATA MERCHANT SERVICES,  
LLC, a Florida limited liability company,

Plaintiff,

vs.

SENIK BABAKHANIAN, an individual dba  
Allstate Radiator,

Defendant.

DECLARATON OF MARTA ROZA IN  
SUPPORT OF ENTRY FOR JUDGMENT

Pre-Trial Conference Scheduled For:  
Date: August 17, 2022  
Time: 11:00 a.m.  
Place: Courtroom 302

I, MARTA ROZA, do hereby declare:

1. Each of the following facts is based upon my personal, firsthand  
knowledge and, if called upon, I could and would competently testify thereto.

2. I am an attorney at law duly licensed to practice and practicing before this  
Court.

///

1 3. The parties have entered into a Mutual Release and Settlement Agreement.

2  
3 4. Although the terms of the Mutual Release and Settlement Agreement  
4 contain a confidentiality provision, opposing counsel has agreed that I can file this Declaration and  
5 attach the preamble and applicable paragraph of that Agreement in order that a Judgment may  
6 enter and this Adversary Proceeding may be concluded.

7  
8 5. Attached hereto as Exhibit "A" (and incorporated herein as though set forth  
9 in full) is a true and correct copy of the preamble and applicable paragraph of that Agreement,  
10 along with the signature pages.

11  
12 6. Based thereon, it is respectfully requested that this Court enter its Judgment  
13 in the above-captioned matter as set forth therein.

14  
15 Executed this 25<sup>th</sup> day of July, 2022 at Los Angeles, California.

16  
17 I declare that the foregoing is true and correct under the laws of the United States of  
18 America.

19  
20   
21 MARTA ROZA  
22  
23  
24  
25  
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28

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

1. **PARTIES**: The parties to this Mutual Release and Settlement Agreement (hereafter the "Agreement") are FIRST DATA MERCHANT SERVICES, LLC, a Florida limited liability company (hereafter "FIRST DATA") and SENIK BABAKHANIAN, an individual dba Allstate Radiator (hereafter "BABAKHANIAN").

REDACTED

3. **JUDGMENT AND PAYMENT**: The parties hereto agree that:

3.1 Judgment may be entered forthwith in Adversary Case No. 1:21-ap-01074 MT in the United States Bankruptcy Court (in Case No. 1:20-bk-11215-MT) in the amount of \$ 49,573.61, plus interest at the state interest rate of 10% simple interest and will specifically state that the debt referenced above is excepted from discharge under 11 USC §523(a)(2) and/or

11 USC §523(a)(4) and 11 USC §523(c).

REDACTED

REDACTED

EXHIBIT A

REDACTED

EXHIBIT A

REDACTED

7.9 The effective date of this Agreement is July 7, 2022

  
SENIK BABAKHANIAN

FIRST DATA MERCHANT SERVICES, LLC

By: 

Charles Ramsey  
VP of Collections  
TRS Recovery

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 27240 Turnberry Lane, Suite 200, Valencia CA 91355

A true and correct copy of the foregoing document entitled (*specify*): DECLARATON OF MARTA ROZA IN SUPPORT OF ENTRY FOR JUDGMENT will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 25, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Aris Artounians** aris@arislawgroup.com, arislawgroup@gmail.com
- **Allan Herzlich** allan@herzlich-blum.com
- **United States Trustee (SV)** ustpreion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On N/A, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on N/A, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 25, 2022  
Date

MARTA ROZA  
Printed Name

Signature